



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 20 2015

CERTIFIED MAIL # 7009 1680 0000 7677 9180

REPLY TO THE ATTENTION OF:

RETURN RECEIPT REQUESTED

Mr. Alan Balliett
Environmental Division Chief
Fort McCoy
2171 South 8th Street
Fort McCoy, Wisconsin 54656

Re: Notice of Violation
Compliance Evaluation Inspection
EPA ID No. WI3210020563

Dear Mr. Balliett:

On May 13 through 15, 2013, representatives of the U.S. Environmental Protection Agency and inspected Fort McCoy located in Fort McCoy, Wisconsin. As a large quantity generator of hazardous waste, Fort McCoy is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (RCRA). The purpose of the inspection was to evaluate Fort McCoy's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by Fort McCoy, EPA's review of records pertaining to Fort McCoy, and the inspector's observations, EPA has determined that Fort McCoy has unlawfully stored hazardous waste without a license or interim status as a result of Fort McCoy's violation of certain requirements for a license exemption under Wis. Admin. Code § NR 662.034(1)-(3) [40 C.F.R. § 262.34(a)-(c)]. EPA has identified the license exemption requirements violated by Fort McCoy as of the date of the inspection in paragraphs 1 - 3, below.

Also, EPA has determined that Fort McCoy violated RCRA requirements related to universal waste as described in paragraph 4, below.

STORAGE OF HAZARDOUS WASTE WITHOUT A LICENSE OR INTERIM STATUS

At the time of the inspection, Fort McCoy violated the following large quantity generator license exemption requirements:

1. Emergency Coordinator Details in RCRA Contingency Plan

Under Wis. Admin. Code § NR 662.034(1) [40 C.F.R. § 262.34(a)], a large quantity generator must comply with the requirements for owners or operators in [subpart D of 40

C.F.R. part 265] and with all applicable requirements in 40 C.F.R. part 268. Under Wis. Admin. Code § NR 265.52(d), the contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator and this list must be kept up to date.

At the time of the inspection, Fort McCoy's contingency plan did not contain the emergency coordinators' office addresses and office phone numbers. The Spill Prevention, Control, Countermeasure and Spill Contingency Plans (15 May 2010) Annex A Facility Response Plan includes fire department telephone numbers that are not labeled office or home. See Table A-1 Emergency Response Phone Numbers on page 2. Addresses, home telephone numbers, and cell telephone numbers are provided lower on page 2. Office addresses were not provided.

2. Use and Management of Containers

Under Wis. Admin. Code §§ NR 662.034(1)(a)1 and 665.0173(1) [40 C.F.R. §§ 262.34(a)(1)(i) and 265.173(a)], a large quantity generator must always keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste.

At the time of the inspection, Fort McCoy did not have its 55-gallon hazardous waste receptacle drum in physical contact with the aerosol can crusher above it. Thus, the hazardous waste drum was not closed during storage and waste was not being added or removed while the 55-gallon drum was open. See page 7 of the inspection report.

3. Land Disposal Restriction

Under Wis. Admin. Code § NR 662.034(1)(d) [40 C.F.R. §262.34(a)(4)], a large quantity generator must comply with all applicable requirements under Wis. Admin. Code ch. NR 668 [40 C.F.R. Part 268]. Under Wis. Admin. Code § NR 668.009(1) and (2) [40 C.F.R. § 268.9(a) and (b)], the initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards. The waste will carry the waste code for any applicable listed waste. In addition, where the waste exhibits a characteristic, the waste will carry one or more of the characteristic waste codes, except where the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste. If the generator determines that their waste displays a hazardous characteristic, the generator must determine the 'underlying hazardous constituents,' as that term is defined at § NR 668.002, in the characteristic waste.

At the time of the inspection, Fort McCoy maintained records including a) the Fort McCoy Waste Profile and b) the AES Environmental LLC land disposal restriction notification form without the underlying hazardous constituents found on the Fort McCoy

Waste Profile. See page 13 of the inspection report. The Fort McCoy Waste Profile contains concentrations reported as percentages; if a Toxicity Characteristic Leaching Procedure was completed, results should be reported in milligrams per liter (mg/L). The units associated with the values reported were not clear on Fort McCoy Waste Profiles.

Summary: By violating the requirements for a license exemption, above, Fort McCoy became an operator of a hazardous waste storage facility, and was required to obtain a Wisconsin hazardous waste storage license. Fort McCoy failed to apply for such a license. Fort McCoy's failure to apply for and obtain a hazardous waste storage license violated the requirements of Wis. Admin. Code §§ NR 680.30, 680.31, and 680.32 [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)].

UNIVERSAL WASTE VIOLATION

4. Universal Waste Requirement

Under Wis. Admin. Code § NR 673.34 [40 C.F.R. § 273.34] a large quantity handler of universal waste batteries must label or clearly mark each battery or a container or package in which such batteries are contained with any one of the following phrases: "Universal Waste-Battery(ies)," "Waste Battery(ies)" or "Used Battery(ies)."

Fort McCoy notified as a large quantity handler of universal waste because it accumulates 5,000 kilograms or more of universal waste at any time.

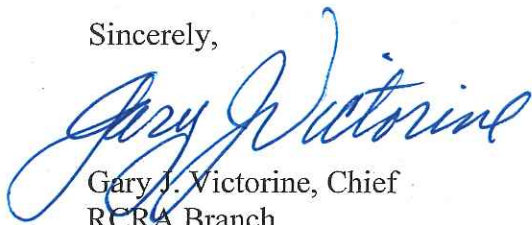
At the time of the inspection, Fort McCoy's batteries in Batcave 4 outside Building 3050 were not labeled with the phrase "Universal Waste- Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)."

At this time, EPA is not requiring Fort McCoy to apply for a Wisconsin hazardous waste storage license so long as it immediately establishes compliance with the conditions for a permit exemption outlined in paragraphs 1 - 3, above.

During the inspection, as observed by EPA, you took certain actions to establish compliance with the above permit exemption condition 2 and the requirement to maintain containers of hazardous waste closed. According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, you have taken related to paragraphs 1, 3, and 4. You should submit your response to Ms. Sue Brauer, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604."

If you have any questions regarding this letter, please contact Ms. Sue Brauer, of my staff, at (312) 353-6134 or at brauer.sue@epa.gov.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Mandy Radloff, Fort McCoy (mandy.j.radloff.civ@mail.mil)
Michael Ellenbecker, WI DNR (Michael.Ellenbecker@wisconsin.gov)